

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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OOO FC GRAND CAPITAL,

Petitioner,

MEMORANDUM & ORDER
16-CV-6156 (JS) (SIL)

-against-

INTERNATIONAL PHARMACEUTICAL SERVICES
LTD., MORDECHAY MOVTADY, and EFIM
NEZHINSKI,

Respondents.

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APPEARANCES

For Petitioner: Alexandra M.C. Douglas, Esq.
John F. Whelan, Esq.
John M. Lundin, Esq.
Schlam Stone & Dolan LLP
26 Broadway, 19th Floor
New York, NY 10004

For Respondents:
International
Pharmaceutical Services
Ltd.

No appearance

Mordechay Movtady Mordechay Movtady, pro se
17 Fir Street
Kings Point, NY 11024

Efim Nezhinski No appearance

For Interested Party:
Inen Trading Inc.

Anthony J. Del Giudice, Esq.
Wilk Auslander LLP
1515 Broadway
New York, NY 10036

SEYBERT, District Judge:

Pending before the Court are: (1) Petitioner OOO FC Grand Capital's ("FC Grand") Motion for Default Judgment against Respondent International Pharmaceutical Services Ltd. ("IPS")

(Pet.'s Mot., Docket Entry 26) and (2) Magistrate Judge Steven I. Locke's Report and Recommendation ("R&R") recommending that this Court grant FC Grand's motion, and specifically that the Court confirm the arbitration award and enter judgment in favor of FC Grand against IPS in the amount of \$465,980.00 (R&R, Docket Entry 57). For the following reasons, the Court ADOPTS Judge Locke's R&R in its entirety.

BACKGROUND

FC Grand commenced this action on November 4, 2016, seeking an order confirming a foreign arbitral award of \$465,980.00 (the "Award") issued in its favor against IPS by an arbitration tribunal in Moscow, Russia on August 31, 2015. (Pet., Docket Entry 1, at 1; R&R at 5.) IPS did not answer the Petition or otherwise appear in this action,¹ and the Clerk of the Court entered a Certificate of Default against it on February 15, 2017. (Cert. of Def., Docket Entry 15.) FC Grand filed this Motion for Default Judgment on May 19, 2017, which the undersigned referred to Judge Locke on October 13, 2017 for a Report and Recommendation as to whether the motion should be granted and, if necessary, to determine the appropriate amount of damages, costs, and/or fees to

¹ During the underlying arbitration proceedings, IPS also failed to appear at two hearings and did not otherwise communicate with the tribunal. (R&R at 9.)

be awarded. (Pet.'s Mot.; Referral Order, Docket Entry 49.) Judge Locke issued his R&R on December 15, 2017. (See R&R.)

The R&R

Having reviewed the parties' submissions and recognizing that a district court's review of an arbitration award is "extremely deferential," Judge Locke found that FC Grand met its burden of showing that there are "no issues of material fact precluding confirmation of the Award." (R&R at 10-12.) Accordingly, Judge Locke recommended that the Court grant FC Grand's motion, and specifically that the Court confirm the Award and enter judgment in favor of FC Grand against IPS in the amount of \$465,980.00. (R&R at 1-2.)

DISCUSSION

In reviewing an R&R, a district court "may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge." 28 U.S.C. § 636(b) (1) (C). If no timely objections have been made, the "court need only satisfy itself that there is no clear error on the face of the record." Urena v. New York, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (internal quotation marks and citation omitted).

Objections were due within fourteen (14) days of service of the R&R. The time for filing objections has expired, and no party has objected. Accordingly, all objections are hereby deemed to have been waived.

Upon careful review and consideration, the Court finds Judge Locke's R&R to be comprehensive, well-reasoned, and free of clear error, and it ADOPTS the R&R in its entirety.

CONCLUSION

For the foregoing reasons, Judge Locke's R&R (Docket Entry 57) is ADOPTED in its entirety. FC Grand's motion for default judgment (Docket Entry 26) is GRANTED and the Award is CONFIRMED. The Clerk of the Court is directed to enter judgment in favor of FC Grand against International Pharmaceutical Services Ltd. in the amount of \$465,980.00.

FC Grand is directed to serve a copy of this Memorandum and Order on IPS and all other respondents by certified mail, and to file proof of service with the Court.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: February 14, 2018
Central Islip, New York